

REMARKS

Claims 1-4, 7-11, 14-18 and 21-23 are pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

Claim Rejections -- 35 U.S.C. §103

Claims 1-4, 7-11, 14-18, and 21-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over allegedly Admitted Prior Art ("APA") disclosed in the instant application, in view of U.S. Patent 5,732,275 to Kullick et al. ("Kullick"), and further in view of U.S. Patent 6,389,592 to Ayres et al. ("Ayres"). This rejection is respectfully traversed.

With regard to the following features:

- modifying the remote application at the remote site to generate a modified remote application;
- retrieving, if it is determined that the local copy is not present on the local site, the local copy from the remote site; and
- loading the altered local copy into the debugging system and debug, using the communication link between the first and second routers, the loaded local copy of the remote application at the local site,

the Examiner has explicitly admitted that none of the asserted references disclose these features (see the final Office action at pages 2-3, 4 and 5, respectively). In the absence of a reference that discloses such features in the asserted references, the Examiner makes simple statements that it would have been obvious to one skilled in the art to modify the asserted references to include the respective features. The Examiner, however, has provided no support for these simple statements.

Under MPEP § 2144.03(A), such a simple assertion that a feature is obvious in the absence of a reference disclosing the feature can only be made by the Examiner where the facts asserted to be well-known, or to be common knowledge in the art, are capable of instant and

unquestionable demonstration as being well-known. See MPEP § 2144.03(A). More specifically, an Examiner is prohibited from making such an indication without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known. See *id.*

In the instant case, the Applicants respectfully assert that at least one or more of the above-identified features is not capable of instant and unquestionable demonstration. In the instant case, none of the asserted references describe these features. The Applicants respectfully assert that these features are ineligible for an indication of obviousness, and further request that the Examiner provide documentary evidence if the rejection is to be maintained. See MPEP § 2144.03(C).

For at least the foregoing reasons, reconsideration and withdrawal of the rejections are respectfully requested.

In a genuine effort to advance prosecution, the Applicants have also amended claims 1, 7 and 14 to include new features. As amended herein, each of claims 1, 7 and 14 include the features of downloading, at the remote site, an application to run as a remote application on a virtual machine located on the remote site, which virtual machine is run in a debug mode to enable the application to attach to the virtual machine, the local copy is provided as source code, and establishing an identification mark for the altered copy, which identification mark is stored in the altered copy. As discussed in further detail herein, the alleged APA fails to disclose at least these features of each of claims 1, 7 and 14. Both Kullick and Ayres fail to cure the deficient disclosure of the APA.

As provided in the Office action dated March 14, 2007, the Examiner alleged that Figs. 1 and 2 should be designated as prior art. Consequently, the alleged APA is limited to only the features illustrated in Figs. 1 and 2. The APA does not disclose the above-described features of each of claims 1, 7 and 14. More specifically, the alleged APA fails to disclose downloading, at a remote site, an application to run as a remote application on a virtual machine located on the remote site. The alleged APA of Figs. 1 and 2 merely illustrate a remote site connected to a local site via a WAN, and do not describe uploading/downloading, much less downloading, at a remote site, an application to run as a remote application on a virtual machine located on the remote site. Further, although Fig. 2 illustrates a virtual machine at the remote site, Fig. 2 fails to

disclose a virtual machine that is run in a debug mode to enable an application to attach to the virtual machine. The alleged APA of Figs. 1 and 2 also fail to describe the features of a local copy being provided as source code, and establishing an identification mark for an altered copy, which identification mark is stored in the altered copy.

Kullick has been asserted as disclosing the features of receiving a timestamp indicating when the remote application was last modified, and determining, based on receiving the timestamp, whether a local copy of the remote application is present on the local site. Ayres has been asserted as disclosing the features of determining delta information that identifies differences between a local copy as originally downloaded with the remote application and the modified remote application, retrieving delta information from the remote site, and using the retrieved delta information to alter the local copy to match the modified remote application.

Kullick and Ayres have not been asserted as disclosing, nor do they disclose the features of downloading, at the remote site, an application to run as a remote application on a virtual machine located on the remote site, which virtual machine is run in a debug mode to enable the application to attach to the virtual machine, the local copy is provided as source code, and establishing an identification mark for the altered copy, which identification mark is stored in the altered copy.

In view of the foregoing, the alleged APA, Kullick and Ayres, taken either alone or in combination, fail to disclose or render obvious the above-described features of each of claims 1, 7 and 14. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Each of claims 2-4, 8-11, 15-18 and 21-23 ultimately depends from one of claims 1, 7 and 14, which define over the asserted art, as discussed in detail above. Consequently, each of claims 2-4, 8-11, 15-18 and 21-23 also define over the asserted references for at least the same reasons. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

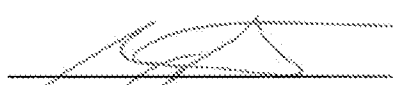
It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, objection, issue, or comment, including the Office Action's characterizations of the references, does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment or cancellation of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment or cancellation. Since the amendments made herein have been made solely in an effort to expedite advancement of this case, the Applicants reserve the right to prosecute the rejected claims in further prosecution of this or related applications. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

No other matters being raised, it is believed that the entire application is fully in condition for allowance and such action is courteously solicited.

Applicants request a one-month extension of time. All fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13913-053001.

Respectfully submitted,

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